

FORM PTO-1390

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

50255-082

U.S. APPLIC. NO. (if known, see 37 CFR 1.5)

09/762,050

INTERNATIONAL APPLICATION NO.

PCT/GB99/02371

INTERNATIONAL FILING DATE

July 21, 1999

PRIORITY DATE CLAIMED

August 4, 1998

TITLE OF INVENTION

ZONAL CONGESTION CONTROL

APPLICANT(S) FOR DO/EO/US

Sze-Ching LU

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendment has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information.

U.S. APPLIC. NO. (if known, see 37 CFR 1.50) 09/732,050	INTERNATIONAL APPLICATION NO. PCT/GB99/02371	ATTORNEY'S DOCKET NUMBER 50255-082
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	<b>CALCULATIONS</b>	PTO USE ONLY																
17. <input checked="" type="checkbox"/> The following fees are submitted:  <b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b> Search Report has been prepared by the EPO or JPO <span style="float: right;">\$860.00</span>  International preliminary examination fee paid to USPTO (37 CFR 1.482) <span style="float: right;">\$690.00</span> No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) <span style="float: right;">\$710.00</span>  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO <span style="float: right;">\$1,000.00</span>  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) <span style="float: right;">\$100.00</span>  <div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div>																		
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$																	
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">Claims</th> <th style="width:20%;">Number Filed</th> <th style="width:20%;">Number Extra</th> <th style="width:20%;">Rate</th> </tr> <tr> <td>Total Claims</td> <td style="text-align: center;">-20 =</td> <td></td> <td style="text-align: center;">x \$18.00</td> </tr> <tr> <td>Independent Claims</td> <td style="text-align: center;">-3 =</td> <td></td> <td style="text-align: center;">x \$80.00</td> </tr> <tr> <td colspan="3">Multiple dependent claim(s) (if applicable)</td> <td style="text-align: center;">+ \$270.00</td> </tr> </table>	Claims	Number Filed	Number Extra	Rate	Total Claims	-20 =		x \$18.00	Independent Claims	-3 =		x \$80.00	Multiple dependent claim(s) (if applicable)			+ \$270.00	\$	
Claims	Number Filed	Number Extra	Rate															
Total Claims	-20 =		x \$18.00															
Independent Claims	-3 =		x \$80.00															
Multiple dependent claim(s) (if applicable)			+ \$270.00															
<b>TOTAL OF ABOVE CALCULATIONS =</b>	\$																	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).	\$																	
<b>SUBTOTAL =</b>	\$																	
Processing fee of \$130.00 for furnishing the English translation later than the <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).	\$																	
<b>TOTAL NATIONAL FEE =</b>	\$																	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property	\$																	
<b>TOTAL FEES ENCLOSED =</b>	\$																	
	Amount to be: refunded	\$																
	charged	\$																

  

a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 500417 in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 500417. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

  

SEND ALL CORRESPONDENCE TO:

McDERMOTT, WILL & EMERY  
 600 13<sup>th</sup> Street, N.W.  
 Washington, DC 20005-3096  
 (202) 756-8000  
 Facsimile (202) 756-8087

*David L. Stewart*

SIGNATURE *By: Robert J. Levy*

David L. Stewart *Reg # 22,685*

NAME

37,578

REGISTRATION NUMBER

May 10, 2001

DATE

Docket No.: 50255-082

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	
	:	
Sze-ching LU	:	
	:	
Serial No.: 09/762,050	:	Group Art Unit:
	:	
Filed: February 01, 2001	:	Examiner:
	:	
For: ZONAL CONGESTION CONTROL	:	

**RESPONSE TO NOTICE  
OF MISSING REQUIREMENTS OF APPLICATION**

Box Missing Parts  
Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Notice of Missing Requirements of Application dated March 15, 2001,  
submitted herewith are the following documents for filing in the above-referenced application:

1. Declaration and Power of Attorney (which is in compliance with 37 CFR 1.497)
2. Assignment
3. Supplemental Information Disclosure Statement
4. Petition for 1 Month Extension of Time.

Please charge any shortage in fees due in connection with the filing of this paper, to  
Deposit Account 500417 and please credit any excess fees to such deposit account.

09/762,050

It is requested that the official filing receipt now be issued.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

*David L. Stewart*

David L. Stewart

Registration No. 37,578

By: *Robert J. Price*  
Reg. # 22,685

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 DLS:prp  
**Date: May 14, 2001**  
Facsimile: (202) 756-8087



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO. 09/762050	FIRST NAMED APPLICANT	ATTY. DOCKET NO. 50355-082
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MCDERMOTT WILL & EMERY  
600 13TH STREET N.W.  
WASHINGTON DC 20005-3096

5611

INTERNATIONAL APPLICATION NO. 97/03371

I.A. FILING DATE 07/21/97	PRIORITY DATE 08/04/98
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03/15/01

DATE MAILED:

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☒ Translation of the international application into English.

☐ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 01 Feb 01 and

☒ Information Disclosure Statement(s) filed 01 Feb 01 and

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed

☐ Statement Claiming Small Entity Status.

☐ Priority Document.

☒ Copy of the International Search Report ☐ and copies of the references cited therein.

☐ Other:

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 305-3686

Docket No.: 50255-082

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of :  
Size-ching LU :  
Serial No.: 09/762,050 : Group Art Unit:  
Filed: February 01, 2001 : Examiner:  
For: ZONAL CONGESTION CONTROL :

**PETITION FOR EXTENSION OF TIME**

Commissioner for Patents  
Washington, DC 20231

Sir:

It is respectfully requested that the time for response to the Notice to File Missing Part of Application dated March 15, 2001, now due to expire April 15, 2001, be extended for one month and set to expire on May 15, 2001.

Please charge the extension fee of \$110.00 to Deposit Account No. 500417. Please charge any additional fees or credit any overpayment to Deposit Account No. 500417.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

*David L. Stewart*  
David L. Stewart

Registration No. 37,578

*By: Robert L. Rice*  
*Reg. # 27,685*

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 DLS:prp  
**Date: May 14, 2001**  
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